

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY  
DOCUMENT  
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UNITED STATES OF AMERICA,

-v-

VICTOR MARTINEZ,

Defendant.

20-CR-213 (MKV)

ORDER

MARY KAY VYSKOCIL, United States District Judge:

On July 26, 2021, Defendant Victor Martinez was sentenced principally to a term of imprisonment of 72 months.

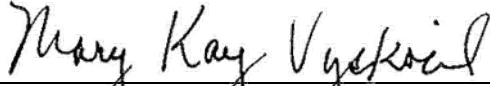
On February 14, 2024, Defendant filed a motion requesting that the Court consider a sentence reduction pursuant to Amendment 821 to the Sentencing Guidelines which went into effect on November 1, 2023 and, by its terms, applies retroactively. The United States Probation Department has issued a report indicating that Defendant is not eligible for a sentence reduction. [See ECF No. 292].

The Court has considered the record in this case, and the submissions on this motion filed by Defendant [ECT No. 290] and the Government [ECF No. 293].

It is hereby ORDERED that Defendant is ineligible for the requested reduction because he received a 2-point enhancement pursuant to U.S.S.G. § 2D1.1(b)(1) for possession of a firearm during the offense, disqualifying him from receiving any reduction pursuant to Section 1B1.10. See U.S.S.G. § 4C1.1(a)(7). Accordingly, this motion is DENIED.

**SO ORDERED.**

**Dated: March 12, 2024**  
**New York, New York**

  
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**MARY KAY VYSKOCIL**  
**United States District Judge**